

DEC 18 2006

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SMITHHOPEN

**SMITH HOPEN****INTELLECTUAL PROPERTY LAW**180 Pine Avenue North, Oldsmar FL 34677  
(813) 925-8505 Tel (813) 925-8525 Fax**STATUS UPDATE**  
**RESPONSE TO OFFICE ACTION**Valerie L. McDevitt – Director  
Division of Patents & Licensing  
University of South Florida  
3802 Spectrum Blvd., Suite 100  
Tampa, FL 33612Date: December 18, 2006  
Re: Electroporation Device  
Our Ref: 1372.32.UTLCPDV2  
USF Ref: 00B044UTLCPDV2/Heller  
Serial No: 10/710,423

Dear Valerie:

Amendment A in the above-referenced patent application was faxed to the examiner today, and your copy of the filing is enclosed herewith. The enclosures are identified as follows:

- 1) Amendment Transmittal with Certificate of Facsimile Transmission under 37 CFR 1.8(a) dated December 18, 2006-(2 pages) ;
- 2) Amendment A with Certificate of Facsimile Transmission under 37 CFR 1.8(a) dated December 18, 2006 -(7 pages) ;
- 3) Petition and Fee for Extension of Time with Certificate of Facsimile Transmission under 37 CFR 1.8(a) dated December 18, 2006 (2 pages); and
- 4) Credit Card Payment Form PTO-2038 in the amount of \$60.00 - (1 page).

We will send you a copy of the next communication as soon as it is received.

Best regards,

**SMITH & HOPEN**By: Molly Sauter  
Molly.sauter@smithhopen.comMLS/at  
Encl.

Attorney-Client Privileged Communication

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(813) 925-8505 Tel (813) 925-8525 Fax**Fax**

INTELLECTUAL PROPERTY LAW

To:	U.S. Patent & Trademark Office	From:	Molly L. Sauter
Attn:	Benjamin Huh - Art Unit 3767	Client:	1372.32.UTLCPDV2
Fax:	(571) 273-8300	Pages:	13 including coversheet
Phone:	(571) 272-8208	Date:	December 18, 2006
Re:	USPN 10/710,423	CC:	University of South Florida

Dear Examiner Huh:

In response to the non-final office action mailed August 17, 2006, we enclose the following:

- 1) Amendment Transmittal with Certificate of Facsimile Transmission under 37 CFR 1.8(a) dated December 18, 2006-(2 pages);
- 2) Amendment A with Certificate of Facsimile Transmission under 37 CFR 1.8(a) dated December 18, 2006 -( 10 pages);
- 3) Petition and Fee for Extension of Time with Certificate of Facsimile Transmission under 37 CFR 1.8(a) dated December 18, 2006 (2 pages); and
- 4) Credit Card Payment Form PTO-2038 in the amount of \$80.00 - (1 page).

Very respectfully,

Molly L. Sauter  
USPTO Reg. No. 46,457

The documentation accompanying this transmission contains information from the Law Office of Smith & Hopen, P.A., which is confidential and/or privileged. The information is intended only for the use of the individual or entity named on this sheet. If you are not the intended recipient, you are hereby notified that any disclosure, copying, distribution, or the taking of any action in reliance upon the contents of this telecopied information is strictly prohibited. If you have received this transmission in error, please notify us by telephone immediately, so that we can arrange for the return of the original documents to us at no cost to you.

DEC 18 2006

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Application No. : 10/710,423 Confirmation No. 5054  
Applicants: : Richard Heller et al.  
Filed: : 07/09/2004  
TC/A.U. : 3767  
Examiner : Benjamin Huh  
Docket No. : 1372.32.UTLCPDV2  
Customer No. : 21901

Transmitted to Central Fax at (571) 273-8300  
Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

**AMENDMENT TRANSMITTAL**

1. Transmitted herewith is an amendment for this application.

**STATUS**

2. Applicant is an independent inventor.

**EXTENSION OF TERM**

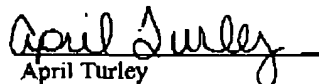
3. The proceedings herein are for a patent application and the provisions of 37 C.F.R. 1.136 apply. Applicant believes that extension of term is required. Petition and fee are included herewith.

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**CERTIFICATE OF FACSIMILE TRANSMISSION**  
(37 C.F.R. 1.10)

HEREBY CERTIFY that this correspondence is being transmitted by facsimile to the United States Patent and Trademark Office, Art Unit 3767, Attn: Benjamin Huh, (571) 273-8300 on December 18, 2006.

Dated: December 18, 2006

  
April Turley

(Amendment Transmittal—page 1)

**FEE FOR CLAIMS**

4. The fee for claims (37 C.F.R. 1.16(b)-(d)) has been calculated as shown below:

	(Col.1)		(Col.2)	(Col.3)	SMALL ENTITY	
	Claims Remaining After Amendment		Highest No. Previously Paid For	Present Extra	Rate	Addit. Fee
Total	12	Minus	20	= 0	x \$25 =	\$0
Indep.	2	Minus	3	= 0	x \$100 =	\$0
First Presentation of Multiple Dependent Claim					+ \$180 =	\$0
Total					Addit. Fee	\$0

- \* If the entry in Col. 1 is less than the entry in Col. 2, write "0" in Col. 3.
  - \*\* If the "Highest No. Previously Paid For" IN THIS SPACE (Column 2, Row 1) is less than 20, enter "20".
  - \*\*\* If the "Highest No. Previously Paid For" IN THIS SPACE (Column 2, Row 2) is less than 3, enter "3".
- The "Highest No. Previously Paid For" (Total or Indep.) is the highest number found in the appropriate box in Col. 1 of a prior amendment or the number of claims originally filed.

No additional fee for claims is required.

Very respectfully,

*Molly L. Sauter*

**SIGNATURE OF PRACTITIONER**

Reg. No. 46,457  
Tel. No.: (813) 925-8505

Molly L. Sauter  
Smith & Hopen, P.A.  
180 Pine Avenue North  
Oldsmar, FL 34677  
Attorneys for Applicant

(Amendment Transmittal—page 2)